



March 22, 2005

ENGROSSED SENATE BILL No. 227

DIGEST OF SB 227 (Updated March 21, 2005 12:40 pm - DI 96)

Citations Affected: IC 9-24.

Synopsis: Identifying numbers for bureau of motor vehicles. Limits the bureau of motor vehicles (bureau) from placing a Social Security number on certain identifying documents without authorization from the holder of the identifying documents. Requires the bureau to adopt rules that do not require the Social Security number of the holder of a commercial driver's license to be contained on the license.

Effective: July 1, 2005.

Miller

(HOUSE SPONSORS — BUELL, NOE)

January 4, 2005, read first time and referred to Committee on Rules and Legislative Procedure.

February 15, 2005, amended; reassigned to Committee on Commerce and Transportation.

February 24, 2005, reported favorably — Do Pass.

February 28, 2005, read second time, ordered engrossed. Engrossed.

March 1, 2005, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

March 14, 2005, read first time and referred to Committee on Roads and Transportation.

March 21, 2005, amended, reported — Do Pass.

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ES 227—LS 6881/DI 13+



March 22, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 227

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-24-6-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The bureau shall adopt rules
3 under IC 4-22-2 to regulate persons required to hold a commercial
4 driver's license.
5 (b) The rules must carry out 49 U.S.C. 521, 49 U.S.C. 31104, 49
6 U.S.C. 31301 through 31306, 49 U.S.C. 31308 through 31317, and 49
7 CFR 383 through 384, and may not be more restrictive than the federal
8 Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law
9 106-159.113 Stat. 1748).
10 (c) Rules adopted under this section must include the following:
11 (1) Establishment of classes and periods of validation of
12 commercial driver's licenses.
13 (2) Standards for commercial driver's licenses, including
14 suspension and revocation procedures.
15 (3) Requirements for documentation of eligibility for legal
16 employment, as set forth in 8 CFR 274a.2, and proof of residence
17 in Indiana.

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(4) Development of written or oral tests, driving tests, and fitness requirements.

(5) Defining the commercial driver's licenses by classification and the information to be contained on the licenses, including ~~the Social Security number and~~ a unique identifier of the holder.

(6) Establishing fees for the issuance of commercial driver's licenses, including fees for testing and examination.

(7) Procedures for the notification by the holder of a commercial driver's license to the bureau and the driver's employer of pointable traffic offense convictions.

(8) Conditions for reciprocity with other states, including requirements for a written commercial driver's license test and operational skills test, and a hazardous materials endorsement written test and operational skills test, before a license may be issued.

(9) Other rules necessary to administer this chapter.

(d) 49 CFR 383 through 384 are adopted as Indiana law.

SECTION 2. IC 9-24-9-2 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2005]: Sec. 2. Each application for a license or permit under this chapter must require the following information:

(1) The name, date of birth, sex, Social Security number, and mailing address and, if different from the mailing address, the residence address of the applicant. The applicant shall indicate to the bureau:

(A) which address the license or permit shall contain; and

(B) whether the Social Security number or another distinguishing number shall be the distinctive identification number used on the license or permit.

(2) Whether the applicant has been licensed as an operator, a chauffeur, or a public passenger chauffeur or has been the holder of a learner's permit, and if so, when and by what state.

(3) Whether the applicant's license or permit has ever been suspended or revoked, and if so, the date of and the reason for the suspension or revocation.

(4) Whether the applicant has been convicted of a crime punishable as a felony under Indiana motor vehicle law or any other felony in the commission of which a motor vehicle was used.

(5) Whether the applicant has a physical or mental disability, and if so, the nature of the disability and other information the bureau directs.

The bureau shall maintain records of the information provided under

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subdivisions (1) through (5).

SECTION 3. IC 9-24-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) A permit or license issued under this chapter must bear the distinguishing number assigned to the permittee or licensee, and must contain:

- (1) the name of the permittee or licensee;
- (2) the date of birth of the permittee or licensee;
- (3) the mailing address or residence address of the permittee or licensee;
- (4) a brief description of the permittee or licensee;
- (5) if the permittee or licensee is less than eighteen (18) years of age at the time of issuance, the dates on which the permittee or licensee will become:
 - (A) eighteen (18) years of age; and
 - (B) twenty-one (21) years of age;
- (6) if the permittee or licensee is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the permittee or licensee will become twenty-one (21) years of age; and
- (7) except as provided in subsection (c), for the purpose of identification, a:

- (A) photograph; or
 - (B) computerized image;
- of the permittee or licensee;

and additional information that the bureau considers necessary, including a space for reproduction of the signature of the permittee or licensee. **If the permittee or licensee has not indicated to the bureau under IC 9-24-9-2 that the Social Security number shall be the distinguishing number to be used, the Social Security number may not be shown on the permit or license.**

(b) In carrying out this section, the bureau shall obtain the equipment necessary to provide the photographs and computerized images for permits and licenses as provided in subsection (a).

(c) The following permits or licenses do not require a photograph or computerized image:

- (1) Temporary motorcycle learner's permit issued under IC 9-24-8.
- (2) Motorcycle learner's permit issued under IC 9-24-8.
- (3) Operator's license reissued under IC 9-24-12-6.

(d) The bureau may provide for the omission of a photograph or computerized image from any other license or permit if there is good cause for the omission.

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(e) The information contained on the permit or license as required by subsection (a)(5) or (a)(6) for a permittee or licensee who is less than twenty-one (21) years of age at the time of issuance shall be printed perpendicular to the bottom edge of the permit or license.

SECTION 4. IC 9-24-16-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) An identification card must have the same dimensions and shape as a driver's license, but the card must have markings sufficient to distinguish the card from a driver's license.

(b) The front side of an identification card must contain the following information about the individual to whom the card is being issued:

- (1) Full legal name.
- (2) Mailing address and, if different from the mailing address, the residence address.
- (3) Date of birth.
- (4) Date of issue and date of expiration.
- (5) Distinctive identification number or Social Security ~~account~~ number, whichever is requested by the individual. **If the individual has not requested that the Social Security number be the distinctive identification number to be used, the Social Security number may not be shown on the identification card.**
- (6) Sex.
- (7) Weight.
- (8) Height.
- (9) Color of eyes and hair.
- (10) Reproduction of the signature of the individual identified.
- (11) Whether the individual is blind (as defined in IC 12-7-2-21(1)).
- (12) If the individual is less than eighteen (18) years of age at the time of issuance, the dates on which the individual will become:
 - (A) eighteen (18) years of age; and
 - (B) twenty-one (21) years of age.
- (13) If the individual is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the individual will become twenty-one (21) years of age.
- (14) Photograph or computerized image.

(c) The information contained on the identification card as required by subsection (b)(12) or (b)(13) for an individual who is less than twenty-one (21) years of age at the time of issuance shall be printed perpendicular to the bottom edge of the permit or license.

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COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 227, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Commerce and Transportation.

(Reference is to SB 227 as introduced.)

GARTON, Chairperson

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COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill No. 227, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 227 as printed February 16, 2005.)

SERVER, Chairperson

Committee Vote: Yeas 7, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 227, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-24-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The bureau shall adopt rules under IC 4-22-2 to regulate persons required to hold a commercial driver's license.

(b) The rules must carry out 49 U.S.C. 521, 49 U.S.C. 31104, 49 U.S.C. 31301 through 31306, 49 U.S.C. 31308 through 31317, and 49 CFR 383 through 384, and may not be more restrictive than the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(c) Rules adopted under this section must include the following:

- (1) Establishment of classes and periods of validation of commercial driver's licenses.
- (2) Standards for commercial driver's licenses, including suspension and revocation procedures.
- (3) Requirements for documentation of eligibility for legal employment, as set forth in 8 CFR 274a.2, and proof of residence in Indiana.
- (4) Development of written or oral tests, driving tests, and fitness requirements.
- (5) Defining the commercial driver's licenses by classification and the information to be contained on the licenses, including ~~the Social Security number~~ and a unique identifier of the holder.
- (6) Establishing fees for the issuance of commercial driver's licenses, including fees for testing and examination.
- (7) Procedures for the notification by the holder of a commercial driver's license to the bureau and the driver's employer of pointable traffic offense convictions.
- (8) Conditions for reciprocity with other states, including requirements for a written commercial driver's license test and operational skills test, and a hazardous materials endorsement written test and operational skills test, before a license may be issued.

(9) Other rules necessary to administer this chapter.

(d) 49 CFR 383 through 384 are adopted as Indiana law."

Page 2, line 36, delete "section 2 of this chapter" and insert

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"IC 9-24-9-2".

Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to SB 227 as printed February 25, 2005.)

DUNCAN, Chair

Committee Vote: yeas 10, nays 0.

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